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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,972	10/02/2003	Yacine El Mghazli	Q77793	6295
23373 SUGHRUE MI	7590 05/19/201 ON. PLLC	EXAMINER		
	LVANIA AVENUE, N	NGUYEN, DUSTIN		
WASHINGTO	N, DC 20037	ART UNIT	PAPER NUMBER	
		2454		
			NOTIFICATION DATE	DELIVERY MODE
			05/19/2011	ELECTRONIC

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com PPROCESSING@SUGHRUE.COM USPTO@SUGHRUE.COM

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/675,972	EL MGHAZLI ET AL.	
Examiner	Art Unit	

The MAILMO DATE of this communication appears on the cover sheet with the correspondence address − THE REPLY PELD 03 May 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANGE.  1. ★ The reply was filled after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To evolve deute with places the spplication, applicant must timely file one or the following replication is application, applicant must timely file one or the following replication is application, applicant must timely file one or the following replication and the file of the file		DUSTIN NGUYEN	2454						
<ul> <li>I. Sim Energy was filled after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31: or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following replication in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31: or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following filed periods:</li> <li>Simple period for reply expires 2 months from the mailing date of the final rejection.</li> <li>The period for reply expires 0::(1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no evert, however, will the statutory period for reply expires 0::(1) the mailing date of the final rejection.</li> <li>Examiner Note: It box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFEP 708.07(f).</li> <li>Extensions of lime may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee number 9.07 FR 1.137(a) is calculated from: (1) the expiration date of the other final rejection of the expiration of the date of the final rejection of the date of the final rejection, even it meet the action of the final rejection, even it meet final rejection and the corresponding amount of the fee. The appropriate extension fee number 9.07 FR 1.137(a) is calculated from: (1) the expiration date of the expiration of</li></ul>	The MAILING DATE of this communication appe	ars on the cover sheet with the	correspondence add	ress					
<ul> <li>I. Sim Energy was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following replication.</li> <li>b) — The period for reply expires 2 months from the mailing date of the final rejection.</li> <li>b) — The period for reply expires 2 months from the mailing date of the final rejection.</li> <li>b) — The period for reply expires 2 months from the mailing date of the final rejection.</li> <li>Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS for The FinAlk REJECTION. See MFEP 708.07(f).</li> <li>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee nature 37 CFR 1.136(a) and the appropriate extension fee nature 37 CFR 1.17(a) is calculated from; (1) the expiration date of the whethered statutory period for reply originally set in the final Office action; (2) as may reduce any example active and patient term adjustment. See 37 CFR 1.73(b).</li> <li>NOTICE OF APPEAL.</li> <li>d) The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.137 must be filed within two months of the date of Notice of Appeal was been filed, any reply must be filed within the time period set forth in 37 CFR 4.13.7(a).</li> <li>MENDMENTS</li> <li>d) The Notice of Appeal was been filed, any reply must be filed within the time period set forth in 37 CFR 4.13.7(a).</li> <li>MENDMENTS</li> <li>d) The yraise the issue of new matter (see NOTE below);</li> <li>(b) — They raise the issue of new matter (see NOTE below);</li> <li>(c) — They are not deemed obtained by a fiscal data and a fin</li></ul>	THE REPLY FILED <u>03 May 2011</u> FAILS TO PLACE THIS APPL	LICATION IN CONDITION FOR A	LOWANCE.						
a) The period for reply expires 3 months from the mailing date of the final rejection. b) The period for reply expires 3. In the mailing date of the final rejection whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If bot 1 is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See IMPEP 706.07(I).  Extensions of time may be obtained under 37 CPR 1.33(e). The date on which the petition under 37 CPR 1.33(e) and the appropriate extension fee nave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee nave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee nave been filed in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, any reduce any examed patent term adjustment. See 37 CPR 1.704(f) is calculated on the final rejection, even if timely filed, any reduce any examed patent term adjustment. See 37 CPR 1.04(a) (a) The Notice of Appeal was filed on	<ol> <li>The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following rapplication in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C</li> </ol>	the same day as filing a Notice of eplies: (1) an amendment, affidavi al (with appeal fee) in compliance	Appeal. To avoid abar t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request					
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee nance been filed is the date for purposes of determining the period of extension and the corresponding amount of the The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked, Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL.  2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(e), to avoid dismissal of the date of filing the Notice of Appeal as been filed, any reply must be filed within the time period set from in 37 CFR 41.37(a).  AMENDMENTS  3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below);  (b) They raise the issue of new matter (see NOTE below);  (c) They are not determed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: (See 37 CFR 1.116 and 41.33(a)).  4. The amendments are not in compliance with 37 CFR 1.21. See attached Notice of Non-Compliant Amendment (PTOL-324).  5. Applicant's reply has overcome the following rejection(s):	a) The period for reply expires 3 months from the mailing date b) The period for reply expires on: (1) the mailing date of this Ar no event, however, will the statutory period for reply expire la Examiner Note: If box 1 is checked, check either box (a) or (l	dvisory Action, or (2) the date set forth tter than SIX MONTHS from the mailin b). ONLY CHECK BOX (b) WHEN THE	g date of the final rejection	n.					
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS    The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a)	Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
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5. Applicant's reply has overcome the following rejection(s):	appeal; and/or (d) They present additional claims without canceling a c								
non-allowable claim(s).  7. For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) objected to:  Claim(s) withdrawn from consideration:  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  See Continuation Sheet.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).  //DUSTIN NGUYEN/			mpliant Amendment (I	PTOL-324).					
how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 1-19.  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  B. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  D. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  See Continuation Sheet.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).  /DUSTIN NGUYEN/	non-allowable claim(s).	·	•	-					
B.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  See Continuation Sheet.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).  /DUSTIN NGUYEN/	how the new or amended claims would be rejected is prov The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: <u>1-19</u> .		ll be entered and an e:	xplanation of					
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Continuation of 11. does NOT place the application in condition for allowance because: The remarks/arguments filed on 05/03/2011 had been fully addressed in the Final Office Action mailed on 02/03/2011. Furthermore, Applicants argued that the functions performed by the active gateways of Wang are not reservation packets. Examiner respectfully disagrees. Applicant' specification defines an active packet containing a resource reservation request for an active data flow, and when the packet is received by an active node of the network, this node reserves the resources according to the request [ page 6 ]. In this case, Wang clearly discloses the active packet comprises QoS parameters [ Figure 6; and col 7, lines 14-23 ], and Wang discloses the intra-network resource management function that enables an active gateway to manage resources in its own network as well as techniques such as the resource reservation protocol (RSVP) to guarantee QoS in networks [ col 3, lines 56-60 ], and the active gateway releases the resources that it had reserved to guarantee the requested QoS [ col 3, lines 62-65; col 4, lines 39-48 and lines 57-67 ]. Therefore, Wang clearly discloses an active packet for reserving resources.